

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Paul B. Hernández
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Lourdes Lozano

City Council Summary Agenda January 8, 2013 7:00 P.M.

Meeting was called to order at 7:16 p.m.

Call to Order/Roll Call of Council Members - **All Present**

- a. **Councilwoman Vivian Casals Munoz – Present**
- b. **Councilman Jose Caragol – Present**
- c. **Councilwoman Katharine Cue-Fuente – Present**
- d. **Council President Isis Garcia-Martinez – Present**
- e. **Council Vice President Luis Gonzalez – Present**
- f. **Councilman Paul Hernandez – Present**
- g. **Councilwoman Lourdes Lozano – Present**

Also present were:

- a. **Carlos Hernandez, Mayor**
- b. **Marbelys Rubio, Acting City Clerk**
- c. **William Grodnick, City Attorney**

Invocation given by Marbelys Rubio, Acting City Clerk

Pledge of Allegiance led by Council President Isis Garcia-Martinez

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations – None

- a. **Mayor Carlos Hernandez acknowledged Mr. Anthony Watson as an American hero, a D-Day and World War II veteran. The Mayor mentioned that during the Council Meeting of December 11, 2012, the City Council passed a resolution approving the co-designation of a portion of Palm Avenue at the intersection of West 3 Street in Hialeah as "Anthony V. Watson Way". The**

Mayor thanked the City Council and the Historic Preservation Board for approving this.

2. Announcement of Amendments/Corrections to the Agenda –

- a. **A copy of item 3 was placed on the dais to include a few housekeeping grammatical changes, along with a traffic assessment and an article.**

3. Consent Agenda –

Motion to Approve the Consent Agenda made by Councilwoman Cue-Fuente and seconded by Councilman Caragol - motion passed 7-0.

- A. Request permission to issue a purchase order to the law firm of Hawkins, Delafield & Wood, LLP, for anticipated costs to be paid in connection with legal representation for the design/construction/operation of the Reverse Osmosis Water Treatment Plant, including, but not limited to, post-contract issues that have arisen during the completion of the construction phase of the Reverse Osmosis Water Treatment Plant, for a total cumulative amount not to exceed \$50,000. (LAW DEPT.) - **APPROVED (7-0)**
- B. Proposed resolution of the Mayor and the City Council of the City of Hialeah, Florida, approving the expenditure totaling an amount not to exceed \$5,075.00 from the Law Enforcement Training Trust Fund, for the purchase of three-hundred fifty Florida Law Enforcement Handbooks MDPD 2013 Edition From Lexis Nexis, a *sole source* vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) - **APPROVED (7-0) RESOLUTION 2013-01**
- C. Request permission to issue a purchase order to Florida Bullet, Inc., sole source vendor for Speer brand law enforcement ammunition in the State of Florida, to purchase ammunition for training, officer certifications, and for the S.W.A.T. Team, for a total cumulative amount not to exceed \$17,039.50. (POLICE DEPT.) **APPROVED (7-0)**
- D. Proposed resolution of the Mayor and the City Council of the City of Hialeah, Florida, approving the expenditure totaling an amount not to exceed \$47,860.62 from the Law Enforcement Trust Fund-*Federal*, to purchase two (2) 2013 Harley Davidson Road King Police Motorcycles (FLHP) and related equipment utilizing the pricing established by a competitive bid from the Florida Sheriff's Association and Florida Fire Chief's Association upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (7-0) RESOLUTION 2013-02**
- E. Request permission to increase purchase order # 2013-129, since it is advantageous to the City, issued to Power Truck Repair, Inc., for service and repairs to City trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
- F. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to South Dade's Finest Irrigation, Inc., for Irrigation at Milander Auditorium, for a total cumulative

amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**

- G. Request permission to award Bid # 2011/12-3230-00-070 and issue a purchase order to Salomon Construction & Roofing Corp., second lowest responsive bidder meeting specification, for Roofing and Lightweight Insulating Concrete for the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$179,795. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- H. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Gemaire Distributors, LLC, for the heating, ventilation, and air conditioning systems at the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$81,223. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- I. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Carrier Corporation, for the heating, ventilation, and air conditioning systems at the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$30,826. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- J. Request permission to issue a purchase order to the Florida Department of Environmental Protection, for the payment of the 2013 Annual Regulatory Program and Surveillance Fee for the City's Separate Storm Sewer System permit, for a total cumulative amount not to exceed \$18,760. (STREETS DEPT.) **APPROVED (7-0)**
- K. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to GND Millwork Corp., for Doors and Hardware at the 36-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$79,936.50. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- L. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints in the completion of the project, and issue a purchase order to Union General Contractors, Inc., for the Structure for the L.E.D. Sign for Milander Auditorium, for a total cumulative amount not to exceed \$22,500. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (7-0)**
- 3. Second reading and public hearing of proposed ordinance amending Chapter 18 entitled "Businesses" of the Code of Ordinances and in particular, amending Chapter 18 entitled "Businesses" of the Code of Ordinances and in particular, amending Article VI., Division 2. entitled "Peddlers, Itinerant Vendors" amending the definition of "Peddlers and Itinerant Vendors", establishing restrictions on the use of the public rights-of-way by peddlers when soliciting or engaging in sales, excluding areas where peddlers can conduct business, amending the goods not allowed to be sold; eliminating the distance separation requirement, establishing restrictions on display and storage of goods sold; repealing all

ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2013-01**

Presentation by Lorena Bravo, Assistant City Attorney, City of Hialeah.

Presentation by Frank Caldera, Police Officer, Code Enhancement Unit, City of Hialeah Police Department.

Presentation of City of Hialeah Peddlers and Itinerant Vendors Traffic Assessment by Richard Garcia of Richard Garcia & Associates, 13117 NW 107 Avenue, Hialeah Gardens, FL 33018.

Speakers who addressed the Council on Item 3:

1. **Sebastian Dere, 1441 Brickell Avenue, Miami, FL 33131**
2. **Silvio Membreno, 779 Southeast 11 Place, Hialeah, FL 33010**
3. **Indiana Valles, 6234 Northwest 16 Avenue, Hialeah, FL 33012**
4. **Claudia Murray, Institute for Justice, 14301 Balgowan Road, Miami Lakes, FL 33016.**

Mayor Hernandez, Councilwoman Lozano, Councilwoman Vivian Casals Muñoz, Councilman Hernandez, Council Vice President Gonzalez, and Council President Garcia-Martinez spoke regarding item 3.

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilman Caragol.

4. First reading of proposed ordinance authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a fifth amendment to the Lease Agreement with New Cingular Wireless PCS, LLC ("AT&T"), a Delaware Limited Liability Company, successor by merger to Bellsouth Mobility, LLC, successor by conversion to Bell South Mobility, Inc. in the form attached hereto as Exhibit "1", extending the terms of a prior lease dated April 28, 1992, as amended on March 1, 1993 and as first extended on June 29, 1998, and as second extended on December 17, 2004, whereby New Cingular Wireless PCS, LLC leases City property, 1,300 square feet of land within Mcdonald Park, together with ingress and egress, located at 1185 West 74 Street, Hialeah, Florida, to construct, operate and maintain a communications facility, to wit: a 100-foot monopole structure, for an additional five-year term, commencing on November 20, 2012 through November 19, 2017, with an amendment providing for annual rental in an amount of \$68,258.45 with a 5% annual increase; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**

Motion to Approve made by Councilman Caragol and seconded by Council Vice President Gonzalez.

5. Board Appointments –

- a. Proposed resolution of the Mayor and the City Council of the City of Hialeah, Florida reappointing Maida Gutierrez to the Board of Commissioners of Hialeah Housing Authority of the City of Hialeah, Florida for a four (4)-year term ending on February 14, 2017. **APPROVED (7-0) RESOLUTION 2013-03**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez.

- b. Appointment by Mayor Carlos Hernandez of Michael J. Valladares to the Veterans Affairs Board for the remainder of a two (2) year term ending on November 16, 2013.

6. Unfinished Business – None

7. New Business –

- a. **Mayor Hernandez invited everyone to attend several events which will be taking place in the City, including the Three Kings Parade, the Jose Marti Celebration and Art on Palm.**
- b. **Councilwoman Cue-Fuente address the details this year's Jose Marti Celebration taking place on January 20, 2013 at 10:00 a.m.**
- c. **Council Vice President Gonzalez voiced his concerns regarding the safety of minors collecting donations on the street for cheerleading and other sports.**

8. Comments and Questions –

- a. **Captain William Guerra of the Hialeah Fire Department, 752 East 1 Avenue, Hialeah, FL, informed the Council that he has been elected President of Local 1102 Union, and that he looks forward to working with the Council.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a variance permit to allow a west side setback of 4.5 feet for a distance of 24.40 feet, where no less than 7.5 feet are required, contra to Hialeah Code § 98-546. **Property located at 760 East 24 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Marietta Miralles Bouza) *(Tabled on 11/27/12 – Applicants were not present) (Removed from table on 12/11/12).* **APPROVED (7-0) ORDINANCE 2013-02**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez.

- PZ 2.** First reading of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business Overlay District Regulations on property located at an Activity Node Area having a Land Use Classification of Commercial pursuant to Hialeah Code § 98-1630.8, and granting a Variance Permit to allow a street frontage of 179.83 feet, where a minimum of 200 feet is required, to allow 24 parking spaces, where 79 parking spaces are required, to allow density of 65 units per net acre with 2.37 incentive points, where 10 incentive points are required; to allow a side setback of 7 feet, where 22 feet are required, and to waive the Building Mass Requirement, where a basement, middle and top articulation is required, contra to Hialeah Code §§ 98-1630.3(A), (C), (E), 98-1630.5(B) and 98-2189(16). **Property located at 355 East 32 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: City of Hialeah) **APPROVED (7-0)**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez.

- PZ 3.** First reading of proposed ordinance granting a Special Use Permit (SUP) to allow a junkyard on property zoned M-1 (Industrial District). **Property located at 205 Southeast 10 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Rafi Brothers, Inc.) **APPROVED (7-0)**

Manny Reus on behalf of Cesar Mestre, 3731 Southwest 160 Avenue, Unit 209, Miramar, FL 33027 addressed the Council.

Motion to Approve made by Casals-Muñoz and seconded by Council Vice President Gonzalez.

NEXT CITY COUNCIL MEETING: January 22, 2013 AT 7:00 P.M.

Meeting adjourned at 9:06 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).